

Montana Board of Crime Control Juvenile Detention Technical Assistance
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Project Overview and Background

This OJJDP technical assistance project for the Montana Board of Crime Control (MBCC) was developed to respond to concerns expressed by the state's five juvenile detention regions over the past several years. The MBCC requested an unbiased facilitator with expertise in juvenile detention to study and report on each region's recent detention utilization needs. In addition, an MBCC staff member escorted the facilitator during the week of October 18th to meet with stakeholders such as detention administrators, county commissioners, juvenile probation officers, and law enforcement in each of the five detention regions. Each region is composed of several counties. The objective was to help regional stakeholders reach an informed consensus regarding their need for secure detention capacity, their use of alternatives to detention and help them plan to manage future operations. This effort was funded by a small MBCC grant and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) through the National Training and Technical Assistance Center (NTTAC) technical assistance order number 1573. The MBCC funded an analysis of regional detention data collected by the state's recently developed Juvenile Detention Reporting System (JDERS) through Title II Formula funds provided in sub grant 08-J19-90707. The NTTAC grant supported a six day onsite visit and this report. The background conditions that relate this effort are discussed below.

Part 19 of the Montana Youth Court Act passed in the 1990's established the initial regional structure and funding mechanism for juvenile detention. Since passage, juvenile probation has been transferred from county control to a state function organized into 22 district courts, and these are organized into five detention regions. State detention funds are allocated to counties based on population. These funds initially provided incentives for counties to develop alternatives to detention and/or support adequately staffed secure regional detention facilities but they were never intended to cover the entire cost of detention.

Each detention region is composed of several counties. Many of them have a very small youth population, serve a large geographic area and are remote from urban centers. While their need for detention may be significantly lower than that of urban counties, their low population provides them much less state funding. The fixed cost of staffing, operating and providing necessary services in a 24 hour secure detention facility is very high. State funds received by rural counties are not enough to support local secure detention facilities. Their only realistic alternative is to purchase detention from a large county in the region.

State funding helps each county (rural or urban) defray only a portion of its detention cost. State detention reimbursement has diminished over time. Currently counties in each detention region expend their state detention dollars by the first quarter of the fiscal year. In

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effect, about three quarters of total detention costs are derived from county tax revenue. The daily contract cost of placing a youth in detention is approximately \$225 - excluding the cost of transporting youth to and from the center to court hearings, etc. The logic of this system is that local law enforcement personnel make the initial decisions to detain youth and local courts, assisted by probation officers, prosecutors, and defense attorneys decide when they are released.

Tribes in Montana may voluntarily use regional county detention facilities. If they do, tribal detentions costs are reimbursed by the county. Several tribes (Confederated Salish and Kootenai Tribe, Rocky Boys and Ft. Belknap) currently use regional detention facilities but two have established their own facilities (Northern Cheyenne and Ft. Peck). Detention and transporting cost issues are similar for tribes and counties.

Montana recently received a small grant from the Casey Foundation in February of 2008 to establish four Juvenile Detention Alternative Initiative (JDAI) pilot sites in Cascade County (Great Falls), Hill County (Havre), Missoula County (Missoula), and Yellowstone County. Ft. Belknap and Rocky Boys tribes are stakeholders in the Hill County site and are also JDAI sites. The JDAI was an effort by the MBCC State Advisory Group to address disproportionate minority confinement (DMC) at arrest/detention and to reduce the use of detention as a sanction for technical violations of probation. The four pilot counties implemented a detention risk assessment instrument (RAI) in December 2008.

Operating Characteristics of State Detention Region/Facilities

Table 1 below provides an overview of state regional detention facilities. There are currently seven operating in the state's five regions with one planned. The 7 county Western region has 50 beds in four separate county facilities located in Hamilton (6 beds), Troy (8 beds), Kalispell (12 beds) and Missoula (24 beds). The 9 counties in South Western region purchase detention from a single 10 bed privately operated facility in Galen. The 12 counties in the South Central region have a county operated 24 bed facility in Billings. There are 16 rural counties in the Eastern region. While the Eastern region counties plan to open a 12 bed detention center in Richland County (Sidney), they have purchased most of their detention from the Billings facility. The 12 counties in the North Central region are served by a county operated 24 bed detention center in Great Falls. A second facility in the North Central region located in Blaine County recently closed.

The table also displays each region's youth population, total bed capacity, and recent bed utilization. The bed utilization estimate appears in the far right hand column. NCCD based this estimate on actual admissions and length of stay recorded in JDRS in 2008 and 2009. There are three points to be made about the table: 1) the regions vary significantly in population; 2) with the exception of the Western region, most counties are purchasing detention from a regional facility operated by another county or agency; and 3) current utilization of detention in most regions falls well below current or planned bed facility capacity. For instance, far less than half

the available beds in the Western region were used in the most recent year. Other regions are operating closer to capacity but detention crowding is not currently an issue in the state.

<p align="center">Table 1 Montana Regional Detention Characteristics and Capacity Estimates</p>					
Region	Counties	Youth Population Estimate	Detention Centers	Current Detention Bed Capacity	Average Detention Bed Utilization *
Western	7	48,000	4	50	20
South Western	9	27,000	1	10	7
South Central	12	34,000	1	24	17
Eastern	16	11,000	1	12**	4
North Central	12	38,000	1	24	17
State Total	56	158,000	8	120	65

*Average bed utilization based on actual admissions and length of stay April 2008 to March 2009. Data for Western region reflect January to December 2008 admissions and length of stay from those counties regardless of where youth were detained.

**Under construction - not currently operating.

A factor this table does not capture is the large geographic region served by these detention facilities. For instance, the Eastern region is approximately one third of Montana but a very small number of juveniles. The cost of transporting youth to a regional center from outlying counties and back to court can be very high and this cost is added to the approximately \$225 per diem cost of purchasing detention from a regional center. This issue will be addressed in more detail later in this report

Regional Detention Site Visits

The TA project involved a site visit to each detention region. In preparation for these visits, NCCD analyzed and displayed regional detention data recorded in Montana's JDRS. A variety of displays were developed to provide regions with an overview of the admission, length of stay and demographic characteristics of the youth they detain. A wide variety of regional stakeholders were invited to attend the site visits. These included detention administrators, county commissioners, regional probation officers, law enforcement, and court judges. Each visit provided attendees with an overview of: 1) the role detention plays in the larger juvenile justice system; 2) how best practices in juvenile justice probation and/or case management impact the use of juvenile detention; 3) the use of the JDAI developed RAI and alternatives to detention as mechanisms for effective detention management; 4) how to use data available from JDRS or the RAI to identify local detention issues and address them; and 5) examples of successful detention reform drawn from Casey JDAI reform projects.

This part of the presentation was developed as an informational session to help all participants, and county commissioners in particular, understand how other components of the juvenile justice system impact detention. It was also intended to help participants identify potential strengths and weaknesses of current detention practice and demonstrate how JDRS or RAI data could help them manage and plan future detention operations. Finally, the presentation outlined collaborative strategies for improving detention employed by other jurisdictions. These typically involved close collaboration among, local courts, probation staff, law enforcement and prosecutors. This basic presentation appears in an attached document (see Detention Planning Overview).

Following this basic presentation, NCCD presented regional detention data with the attendees and commented upon the findings. The reporting formats used at this point were developed to plan and monitor detention operations for Casey JDAI sites (the NCCD consultant had participated as an evaluator of two Casey JDAI sites). This part of each onsite presentation was used as a hands-on example of how regional participants could monitor and evaluate their local detention practices using JDRS. All regional data presentations shown on site appear in the attached overheads (see Regional Detention Data) and others are reproduced in the tables referenced below. Regional stakeholders had not previously reviewed data recorded in JDRS.

Each site meeting lasted between three and four hours and was attended by between 6 and 17 participants. The 1st day morning session with the Western Region was in Missoula followed by a South Western session in Galen that afternoon. On the 2nd day the South Central meeting was held in Billings. The 3rd day meeting with the Eastern Region was at Glendive. The fourth day was travel and the 5th day morning meeting was with the North Central Region in Great Falls.

The presentation of local detention data was followed by a general group discussion of both local and state detention issues lead by MBCC and NCCD staff. This was done to secure local input into detention problems that could benefit from either statewide or regional planning initiatives. State funding of detention was a topic of considerable interest as was the use of the state JDRS and case management. The objective of these sessions was to help the regional stakeholders: 1) examine local detention issues; 2) effectively manage detention costs by reducing unnecessary detention; and 3) help them plan future operations with state or local parties.

The comments of regional participants are summarized below. The regions identified many common issues. One major discussion point involved the availability of state detention funds, the formula used to distribute them and the ability of counties to control detention costs. Another common issue involved cost associated with transporting youth to and from detention centers from counties which purchase detention from the regional centers.

This is not surprising. The annual cost to purchase detention from a regional center for counties with a small population (most of the counties in the state) can vary widely from year to year. If a youth is admitted to detention and remains there for an extended period, the \$225 daily cost mounts quickly. Most youth are released in a few days but some cases remain in detention for an extended period for contempt (e.g., probation violations of various types) or waiting for an adjudication or revocation hearing. As Table 2 indicates, the percentage of youth who are admitted to detention who remain there 30 days or longer is small - ranging from 5% to nearly 17% across the regions. However, at a daily rate of \$225, each youth detained for 30 days can cost a county \$6,750 not including the cost of transportation to and from a local court. In rural counties, this transportation may be provided by local law enforcement staff and the distances traveled can easily exceed 300 miles one way. For these counties, the associated cost of reduced law enforcement coverage, fuel, and staff overtime tends to be high. The vast majority of counties experience this problem in some form because they purchase detention from a remote site. As Table 1 indicates, there are 56 counties but only 7 have a detention center.

Obviously, county commissioners and other stakeholders are sensitive to this long term detention issue. For instance, a youth who commits a serious offense and is waived to adult court can remain in detention for months awaiting trial. This can place an extraordinary financial burden on a small county's annual tax revenue. On the other hand, county detention, probation or law enforcement staff may have little control over how long some youth are detained. Decisions made by local courts, public defenders or prosecutors may have more influence on the length of detention stay. One comment noted frequently was that counties are responsible for paying for detention but do not have the authority to control their cost.

Table 2							
Montana Detention Planning: Length of Stay							
Region	N	0-1 days	2 days	3 days	4-9 days	10-29 days	30+ days
Western	772	39.1%	11.3%	6.5%	22.4%	11.9%	8.8%
South Western	130	40.0%	14.6%	3.1%	13.8%	11.5%	16.9%
South Central	491	39.7%	13.4%	6.7%	18.7%	11.4%	10.0%
Eastern Referrals	41	36.6%	4.9%	0.0%	2.4%	29.3%	26.8%
North Central	793	45.8%	11.7%	6.2%	18.0%	12.6%	5.7%
State Total	2,177	41.9%	12.1%	6.2%	19.4%	12.0%	8.4%

Note: Based on April 2008 – March 2009 data for all regions except Western, for which data were January – December 2008. The samples in this table contain duplicates for the Eastern region in that their referrals are represented (instead of their detentions) and the other regions include detentions of Eastern referrals.

Western Regional Meeting

The meeting was attended by six stakeholders including two commissioners, a sheriff's department financial manager, and three of four detention center managers. Juvenile probation staff did not attend. Following the overview, the group reviewed regional detention utilization data presented in tables shown below. These included several displays examining admissions, length of stay, and beds occupied by offense type. Similar data were provided by gender and for tribes (see Tables 6 to 17). As noted above, the region's recent use of detention— averages approximately 20 beds – falls far below the total regional capacity of 50 available at the four detention centers. Average utilization was approximately 50% of capacity in the Missoula (24 bed) and Kalispell (12 bed) centers but it is much lower for the Hamilton (6 bed) and Troy (8 bed) facilities.

One way to examine detention use is by looking at youth admissions and length of stay by the offense they were charged with. These two factors can then be used to estimate the average number of detention beds occupied during the last operating year. As Table 4 indicates, most of the admissions to the Western region were for contempt (383) and these youth were detained for 9.4 days on average. Consequently, on an average day most detention beds (10) are occupied by youth charged with contempt - which is typically associated with a technical violation of probation. Youth charged with an assaultive (misdemeanor or felony) offense occupied about 3.5 beds and property offenders 4 beds. As Table 2 (above) indicates, about 8.8% of Western region admissions remain in detention more than 30 days. While a relatively small percentage of all admissions stay 30 days, the cost per case can be very high.

Discussion comments from participants focused on cost and funding issues. Since no probation or court staff attended, their views are not included. Other participants focused on state funding issues and the expense of long term detention. In terms of long term stays, center staff attributed many of them to probation violations against youth in residential mental health treatment facilities. In effect if a youth violates residential rules he or she may be sent to detention until another disposition is found. That may take a long time and requires court action that can be delayed. A similar issue was noted for youth waived to adult court for serious offenses. Essentially, court processing can result in long term detention stays that can prove very expensive for a county. One participant noted that the state county cost sharing was unfavorable to counties compared to adult corrections. If adult probation violators are held in jail, the county is reimbursed by the state. Juvenile probation violators do not receive similar reimbursement although juvenile probation is a state operated function. Basically, this was a suggestion that counties be responsible only for detentions for pre-adjudication arrests and the state or courts assume responsibility after adjudication for probation cases that receive contempt violations or new offense charges. Others expressed interest in developing clear policies stipulating which

offenders should be detained and for what reasons with other stakeholders such as law enforcement, courts or probation staff.

Other comments involved access to juvenile probation data by detention center staff. These staff felt that the assessment and correctional status information in the state juvenile justice system could help them provide better care for juveniles who are detained.

South Western Regional Meeting

This meeting at the Galen facility was also attended by six stakeholders including one department of corrections staff member, three detention facility staff, and two probation officers. No commissioners or law enforcement officers attended. Following the overview, this group reviewed their regional detention utilization data. The Galen facility has 10 beds and average utilization was approximately 70% of capacity in the last year. Table 3 shows that most of the 130 detention admissions were for person offenses, i.e., assaultive misdemeanors or felonies. Property offenders are the second largest group. On an annual basis about 4.5 of the 10 total beds are occupied by juveniles charged with assaultive offenses and 2 by property offenders. Unlike Western region, South Western had no admissions for contempt of court – indicating that probation violators were handled outside detention. The center has full time mental health professionals on staff and provides psychological assessments upon request. It is collocated with a large detention facility for federal detainees.

Respondents indicated that detention decisions were made collaboratively by probation officers, law enforcement and detention center staff. There appeared to be consensus about who should be detained and the participants felt communication with courts, probation and law enforcement worked very well to reduce unnecessary detention and manage county costs. The detention utilization pattern appears to confirm this. On the other hand, participants were concerned about long term detention. As Table 2 indicates, about 16.9% of the youth entering the center are detained for 30 days or more. Two reasons were noted. One was placement failure in a mental health treatment facility. If facility staff cannot control a youth, they may charge them with an offense that results in detention. If another mental placement needs to be found it can take a long time. A similar issue was noted for youth waived to adult court for serious offenses. Essentially, court processing can result in long term detentions stays that can prove very expensive for a county. Both issues were noted in the Western region. In Southwest, however, attendees attributed court delays to public defenders rather than the court. This was the view of the probation officers who actually manage these cases. Arrest and detention for partner or family member domestic assault (e.g., violence within a family is a misdemeanor coded 214 in statute) was another issue raised. The view was that state law required law enforcement to detain youth involved in these incidents and this provided few options for alternatives to detention. A large number of youth detained for person offenses were believed to be included in this group.

All participants were aware of the state funding issue and sensitive to the county cost of detention. While no commissioners attended, it was clear that probation officers and center staff were aware of their concerns. Since the Galen center is privately operated rather than county operated, all nine counties in the region purchase services from it. The facility also provides transportation for counties within the region that utilize detention beds as well as teleconferencing capabilities. The cost issue may be less sensitive in this region because most parties agree on who should be detained and share a consensus view of why some youth stay for extended periods. Another reason is that the region may have the lowest use of detention relative to the size of its youth population.

South Central Regional Meeting

The next meeting at the Billings detention and shelter care facility was attended by seven people: four commissioners, the county detention facility director, a juvenile probation chief, and a juvenile probation officer. No law enforcement officers attended. The Billings facility has 24 detention beds and utilization averaged 17 last year or around 70% of capacity. The Billings facility (located in Yellowstone County) serves a 12 county region and several other counties in the Eastern region. Table 3 findings show that about 26% of the youth were admitted for person offenses, i.e., assaultive misdemeanors or felonies. Around 18% were property offenders and 38% entered detention due to contempt of court. Given local probation practice in the region, a contempt charge indicates the youth has been petitioned for a probation revocation with a court hearing. It does not indicate detention as punishment for a technical probation violation. On a prior year annual basis, about 6.5 of the 24 beds were occupied by juveniles charged with assaultive offenses, 4.0 by property offenders, and 4.5 by contempt cases. About 10% of the admission cases are detained for 30 days or longer – close to the state average.

There appeared to be very strong collaboration among detention center staff, regional probation, law enforcement, and commissioners in this region. As a result, there were few unresolved issues about who was detained, their length of stay, detention services, or the use of alternatives. This regional detention center has a separate but co-located shelter care facility, a full time mental health program staff and it operates community youth programs. They also provide remote counseling services using a voice and video computer program – vision net. It appears to be a well integrated juvenile service resource for counties in the region that is widely used and supported.

As in other regions, detention of youth waived to adult court was an issue. Once the waiver is signed, responsibility for the case lapses and it becomes difficult to shorten detention stays. The number of arrests for partner or family member domestic assault (e.g., violence within a family) was another issue. State law requires detention of the youth involved in some circumstances and shelter care is not an option. Law enforcement and others have few

alternatives to detention in these cases. This issue was also raised in the South Western region. A significant number of statewide detention admissions (514 of 4,800) are for this reason.

The state funding issue also arose in this region. Participants did not believe that the current detention funding formula rewarded regions or counties for reducing youth offending. Similar comments were made about funding for placement programs. A formula based on juvenile crime rates rewards counties that do not use the appropriation to reduce offending. Basic argument was that well operated regional probation and district court arrangements that systematically reduced juvenile recidivism should not be penalized. Standardized reporting in the Juvenile Court Assessment and Tracking System (JCATS) was advocated as a necessary step in providing reliable data for developing a performance based allocation mechanism. The need for standard procedures for identifying cases detained for contempt was mentioned as an example. Youth detained for technical violation without a petition for revocation need to be distinguished from those who are petitioned for instance.

Eastern Regional Meeting

The meeting was attended by 10 people: four commissioners, a juvenile probation chief, three juvenile probation officers, the regional detention coordinator, and a county sheriff. There is not currently a detention center in this region but a 12 bed facility will open soon in Sidney. There were only 41 youth from Eastern region detained in the last year. About 60% were placed in Billings. These youth occupied about 4 detention beds. Most were admitted because of assaultive offenses or property arrests. A relatively large percent (26.8%) were detained for 30 days or longer.

Respondents did not indicate problems with who was detained. There appeared to be collaboration among probation officers, law enforcement, and commissioners on this issue. Probation officers did indicate alternatives to detention were used such as electric monitoring but there were not a lot of alternatives available in the region. The group noted several issues concerning extended detention stays related to court scheduling or state public defenders. Since most Eastern region counties are far from a detention center, public defender meetings and court scheduling imposed an unusually large transportation burden on them. Youth must be moved back and forth from detention in Billings or elsewhere for court hearings or attorney meetings. The availability of law enforcement officers for transport duty was problematic and state probation officers are not permitted to transport youth. State public defenders were viewed as: 1) too few and stretched too thin in the region, which caused court scheduling and transport problems; and 2) drawing out court proceedings in some cases for reasons that were not clear. In addition, morning court sessions made transportation to and from Billings very difficult and could require an overnight stay. As in other regions, youth waived to adult court were viewed as a problem because court processing delays led to long stays which counties paid for. Those

attending did not feel they were able to impact long detention stay because courts and/or public defenders controlled that process. Some participants expressed the wish that the state hold the justice system accountable for expediting cases to disposition. Some advocated have the state pay the cost of detention after a youth was petitioned for a waiver to adult court.

The use of technology to reduce transportation costs (e.g., vision net) was viewed as problematic partly due to high internet usage cost and partly to reliability issues. Since the Eastern region counties all currently purchase detention from a remote site, they were aware that their issues were different to some degree than for counties closer to a facility. The decision to build a regional center in Sidney was clearly related to the difficulties and costs involved in purchasing detention from and transporting cases to remote facilities.

North Central Regional Meeting

The final regional meeting in Great Falls was attended by 14 people: seven county commissioners, the Cascade county regional detention facility director, the regional probation chief, and two regional probation officers. Three tribal probation officers also attended from Ft. Belknap and Rocky Boy Reservations. No law enforcement officers attended. The Cascade county facility in Great Falls has 24 detention beds and utilization averaged 17 last year or around 70% of capacity. It serves a 12 county region and several tribes. Table 3 shows that about 22.2% of the 793 youth were admitted for person offenses, i.e., assaultive misdemeanors or felonies. Around 19.7% were property offenders and 20.2% entered detention due to contempt of court. There were also a significant number of admissions for aftercare violations (10%) and public order crimes (19.2%). On an annual basis about 4 of the 24 beds are occupied by juveniles charged with assaultive offenses, 3 by property offenders and 5 by contempt cases. Aftercare violators require an additional 3 beds but those costs are reimbursed by the state. (A significant percentage of North Central admissions are from tribes and their utilization data is separately displayed in Table 4). Only 5.7% of the admissions were detained for 30 days or longer which is far below the state average.

A variety of comments were made in this large group of participants. Most concerned funding issues and how they impact counties. Problems with who was detained were not raised and collaboration among probation officers, law enforcement, and commissioners was viewed as strong. The general consensus was that law enforcement officers made the decision to detain after an arrest but very few youth were unnecessarily detained. Placement failure in a mental health treatment facility was referenced as an issue driving some long detention stays. Court or public offender delays were not identified as issues. In general, long term detention was not identified as a problem as often as in other regions. One reason may be that North Central has the lowest percentage of 30 day plus detention stays in the state (see Table 2). The region was also

an active participant in the Casey JDAI project and probation staff had used the JDAI developed RAI to assess detention admissions.

Unlike other regions, there appeared to be much less concern about transportation issues. The detention center in Great Falls provides transportation to counties or tribes that purchase detention from it. It is the only facility that offers transportation from any county in the state, and it appears to be successful.

Most comments related to state detention funding and the general issue of detention facility fixed costs. It was noted that the state formula did not factor in poverty or the juvenile offense rate in the counties. A discussion of the state funding issue focused on the problems experienced by small counties. The high fixed cost of maintaining a detention center meant that small, poorer counties had to purchase detention from a large Cascade county facility in Great Falls. Great Falls could assume the high fixed cost because local demand detention was much higher and it could also charge small counties or tribes for detention. In effect, the counties operating a regional detention center were in a much better position to control their detention costs. Small counties forced to purchase detention received the least state support and were less likely to be able to establish good alternatives to detention. Current funding arrangements made it difficult for small counties to control detention cost which could vary considerably year to year. Alternatives to this arrangement were difficult to identify. Facility subsidized transportation services obviously did help counties that purchased detention.

The Blaine county experience in opening and then closing a detention center provided an example of the issues raised in this group. The high fixed cost of operating the 12 bed center and problems maintaining sufficient staff to operate it led to early closure. A relatively high paid occupancy rate is required to cover fixed center operating costs and it is difficult to maintain in a small facility. Competition with the Great Falls detention center also proved challenging since it offered transportation.

Tribal issues were also discussed. Tribes in attendance purchase detention from the Great Falls facility, but Fort Belknap received a grant to build a detention facility of their own in the near future. Rocky Boy indicated that they would continue to contract with Great Falls. The distance from Great Falls and their need to address the needs of their youth in a different manner close to their community were issues in this decision.

Table 3				
Montana Detention Planning				
Admissions, Length of Stay, and Beds Occupied by Offense Type				
Primary Index Crime Classification	Number of Admissions	Percent of Admissions	Average LOS (days)	Beds Needed for Admissions
Western Region				
Person	140	18.1%	8.0	3
Property	135	17.5%	11.6	4.5
Drugs	35	4.5%	12.1	1
Contempt/Probation Violation	383	49.6%	9.4	10
Administration	16	2.1%	7.3	0.5
Aftercare Violation	28	3.6%	3.9	0.5
Public Order	24	3.1%	3.4	.
Status/Other	11	1.4%	1.3	.
Total	772	100.0%	9.1	19.5
South Western Region				
Person	54	41.5%	28.8	4.5
Property	50	38.5%	13.6	2
Drugs	12	9.2%	4.3	.
Contempt/Probation Violation	0	0.0%	0	0
Administration	3	2.3%	5.0	.
Aftercare Violation	0	0.0%	0	0
Public Order	9	6.9%	4.2	.
Status/Other	2	1.5%	2.0	.
Total	130	100.0%	18.0	6.5
South Central Region				
Person	127	25.9%	18.4	6.5
Property	91	18.5%	14.7	4
Drugs	14	2.9%	4.6	.
Contempt/Probation Violation	190	38.7%	8.3	4.5
Administration	11	2.2%	2.6	.
Aftercare Violation	30	6.1%	16.7	1.5
Public Order	17	3.5%	2.2	.
Status/Other	11	2.2%	2.5	.

Table 3				
Montana Detention Planning				
Admissions, Length of Stay, and Beds Occupied by Offense Type				
Primary Index Crime Classification	Number of Admissions	Percent of Admissions	Average LOS (days)	Beds Needed for Admissions
Total	491	100.0%	12.0	16.5
Eastern Region Referrals				
Person	12	29.3%	54.1	2
Property	16	39.0%	21.3	1
Drugs	4	9.8%	3.5	.
Contempt/Probation Violation	5	12.2%	19.2	0.5
Administration	2	4.9%	1.0	.
Aftercare Violation	1	2.4%	18.0	.
Public Order	0	0.0%	0	0
Status/Other	1	2.4%	2.0	.
Total	41	100%	27.3	3.5
North Central Region				
Person	176	22.2%	7.6	4
Property	156	19.7%	7.2	3
Drugs	22	2.8%	2.0	.
Contempt/Probation Violation	160	20.2%	11.7	5
Administration	46	5.8%	3.6	0.5
Aftercare Violation	79	10.0%	12.3	3
Public Order	152	19.2%	3.6	1.5
Status/Other	2	0.3%	15.5	.
Total	793	100.0%	7.7	17

Note: Based on April 2008 – March 2009 data for all regions except Western, for which data were January – December 2008. Administration includes obstructing, resisting arrest, and escape. Public order is primarily disorderly conduct. The samples in this table contain duplicates for the Eastern region in that their referrals are represented (instead of their detentions) and the other regions include detentions of Eastern referrals.

Table 4				
Montana Detention Planning: Tribal Areas*				
Admissions, Length of Stay, and Beds Occupied by Offense Type				
Primary Index Crime Classification	Number of Admissions	Percent of Admissions	Average LOS (days)	Beds Needed for Admissions
Person	77	26.6%	4.7	1
Property	47	16.3%	7.4	1
Drugs	11	3.8%	1.9	.
Contempt/Probation Violation	28	9.7%	8.2	1
Administration	14	4.8%	2.2	.
Aftercare Violation	2	0.7%	1.5	.
Public Order	110	38.1%	3.4	1
Status/Other	0	0.0%	0	0
Total	289	100.0%	4.7	4

* Approximately 99% of detention referrals from tribal areas are handled by the North Central region.

Note: Based on April 2008 – March 2009 data. Administration includes obstructing, resisting arrest, and escape. Public order is primarily disorderly conduct.

Summary

The issues raised in each regional meeting vary to some degree but many are similar. It is clear that the needs of the counties that are purchasing detention are different from the needs of those counties providing detention services. Those counties that currently provide regional detention services fear for their investment because there are no protections in place to monitor and prevent the overbuilding of regional juvenile detention capacity. The vast majority of counties purchase detention, and they need to control detention costs. As the comments noted above indicate, there is a general concern with long term detention stays due to their high cost to counties that purchase detention. While long stays were often attributed to mental health placement failures, waiver to adult court, and court or public defender delays, the exact reasons can't be identified in JDRS. It can, however, help estimate the magnitude of the cost issue because it records how long each youth stays in detention. Consequently, JDRS can provide a hypothetical estimate of regional long term detention costs at \$225 per day - an approximate daily rate for counties that purchase it. As Table 2 demonstrated, only 8.4% of the youth detained remained in detention for 30 days or more. The findings in Table 5a and 5b¹ below show that detentions lasting 30 days or longer represented between 47% and 80% of total detention costs in each region and about 60% of statewide costs. By comparison, detentions of 1 to 9 days or 10 to

¹ Table 5a provides cost estimates using \$225 per day detention cost while Table 5b uses a \$300 per day estimate.

29 days contribute far less to the total costs. Obviously, a small number of long term detentions are the biggest contributors to the cost burden in most counties. This raises the question of what remedies can be sought to reduce long term stays.

Table 5a								
Montana Detention Planning: Total Cost by Length of Stay (Daily Rate = \$225)								
Region	1-9 days		10-29 days		30+ days		Total	
	Sum	Sum %	Sum	Sum %	Sum	Sum %	Sum	Sum %
Western	\$373,050	24%	\$359,775	23%	\$849,825	54%	\$1,582,650	100%
South Western	\$50,175	10%	\$58,275	11%	\$418,500	79%	\$526,950	100%
South Central	\$212,400	19%	\$177,975	16%	\$705,375	64%	\$1,095,750	100%
Eastern Referrals	\$6,300	3%	\$43,425	17%	\$202,500	80%	\$252,225	100%
North Central	\$345,150	26%	\$366,750	27%	\$638,100	47%	\$1,350,000	100%
State Total	\$987,075	21%	\$1,006,200	21%	\$2,814,300	59%	\$4,807,575	100%

Note: Regional sample sizes (not included here) differ from other tables because the detentions from the Eastern region were deducted from other regions and are represented in the Eastern referrals.

Table 5b								
Montana Detention Planning: Total Cost by Length of Stay (Daily Rate = \$300)								
Region	1-9 days		10-29 days		30+ days		Total	
	Sum	Sum %	Sum	Sum %	Sum	Sum %	Sum	Sum %
Western	\$497,400	24%	\$479,700	23%	\$1,133,100	54%	\$2,110,200	100%
South Western	\$66,900	10%	\$77,700	11%	\$558,000	80%	\$702,600	100%
South Central	\$283,200	19%	\$237,300	16%	\$940,500	64%	\$1,461,000	100%
Eastern Referrals	\$8,400	3%	\$57,900	17%	\$270,000	80%	\$336,300	100%
North Central	\$460,200	26%	\$489,000	27%	\$850,800	47%	\$1,800,000	100%
State Total	\$1,316,100	21%	\$1,341,600	21%	\$3,752,400	59%	\$6,410,100	100%

Recommendations

The purpose of the technical assistance effort was to help detention regions identify detention problems and plan future operations. The analysis of detention data does not indicate

that regional detention centers are on average being utilized at a level well below bed capacity. No region has a detention crowding issue, but the county cost of detention is a major issue everywhere because it can place a very high and unpredictable burden on county tax revenue. As the analysis above indicates, a small number of long term detentions account for a very large portion of county costs. While regional participants identified a number of issues that contribute to long stays, most believe that they do not have the authority to remedy problems involving court scheduling or public defenders. Some suggested the state assume a role in the solution. Recommendations were made for state assumption of the cost of detaining post adjudicated youth supervised by state probation and those waived to adult court. Others advocated the state hold courts accountable for long delays by charging them for detentions that exceed a fixed limit. Regions generally expressed the view that county government was responsible for detention costs but had little authority to influence the courts or public defenders that impacted county detention utilization. There was general concern expressed about state funding for detention. This ranged from the fact that it was too low to criticisms of the formula used to dispense it and the juvenile placement funds.

While probation services have shifted from county to state operation and officers are now state employees, most participants noted strong collaboration among commissioners, detention staff, regional probation, law enforcement, and facility operators in nearly every region. Since no probation staff attended the Western regional meeting, collaboration there was difficult to assess but none of the participants characterized it as strong. Obviously, collaboration among parties who impact detention was seen as essential to effective detention management. Some noted that no formal mechanism had been established by the state for securing it. Current ad hoc arrangements appeared to be working among commissioner, probation, law enforcement, and detention staff. Involvement of judges, public defenders or public prosecutors in these efforts was not as evident.

Based on the analysis of detention data and regional comments, NCCD recommends that the state assume responsibility for systematically examining the problem of long term detention. Very few youth are detained beyond 30 days but they impose a very large cost burden on small counties. While reasons such as placement failure, court delays, and public defender staffing were identified, a careful investigation is required to identify possible remedies. The study could be conducted by sampling the long term detention cases from each region in JDRS. The correctional histories of these cases could be traced in the state JCATS system used by probation officers and possibly state court data. State over site of an impartial, systematic assessment is necessary to effectively address the cost issue. Obviously, remedies cannot be known in advance but study findings could point to solutions that may require state or regional initiatives to address and may involve state courts or public defenders. Problems and remedies may vary by region but a careful study is the first step in establishing a structure for regional collaboration to address the issues.